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EXAMINER

TRAN, THAI Q

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2615

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/610,696

Applicant(s)

MOON ET AL.

Examiner

Thai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/337,253.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 2, 2002 have been fully considered but they are not persuasive.

In re page 4, applicants state that applicants will address the provisional obviousness-type double patenting rejections once the pending rejections to the claims are resolved.

In response, since the terminal disclaimer was not received, claims are again provisionally rejected under the judicially created doctrine of obviousness-type double patenting as set forth in paragraphs #2-4 of the last Office Action.

In re pages 4-5, applicants argue that, with respect to independent claim 11, although Ohno does appear to mention VTR manufacture number data, currently loaded tape ID number, and a serial tape number as tape map information, Ohno does not teach or suggest that the VTR manufacture number data comprises "an identification code of a manufacturer of a recording apparatus that last modified the content of the recording medium".

In response, the examiner respectfully disagrees. Ohno et al discloses in col. 6, lines 25-30 that "In a step S11, it is checked whether the VTR manufacture number data as fetched from the tape coincides with the VTR manufacture number stored in the library memory 4 shown in FIG. 1. **Unless coincidence is found, this control processing is terminated by regarding the tape as loaded is not the one of concern**". From the above passage, it is clear that **only the apparatus having the**

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same VTR manufacture number data recorded on the tape allows to perform reproduce, record, and edit the video and audio signals recorded on the tape.

Thus, the VTR manufacture number data recorded on the tape anticipates the claimed “an identification code of a manufacturer of a recording apparatus that last modified the content of the recording medium” as recited in independent claim 11 because only the apparatus, which has the same VTR manufacturer number data, allows to modify the content of the recording medium.

In re pages 5-6, applicants again argue that nowhere in Ohno, is there a teaching or suggestion of the claimed features of independent claim 13; specifically, Ohno fails to teach or suggest “verifying a coincidence of an identification code of a manufacturer of a device which last modified the content of the recording medium and the manufacturer identification code of the recording/reproducing apparatus to determine whether manufacturer specific information of the recording/reproducing apparatus is effective”

In response, as discussed above, with regard to independent claim 11, Ohno et al does disclose the claimed “verifying a coincidence of an identification code of a manufacturer of a device which last modified the content of the recording medium and the manufacturer identification code of the recording/reproducing apparatus to determine whether manufacturer specific information of the recording/reproducing apparatus is effective”, as recited in claim 13, in col. 6, lines 25-30 in that “In a step S11, it is checked whether the VTR manufacture number data as fetched from the tape coincides with the VTR manufacture number stored in the library memory 4 shown in

FIG. 1. Unless coincidence is found, this control processing is terminated by regarding the tape as loaded is not the one of concern".

In re page 6, applicants argue that Ohno is silent as to providing "modifying the content of the recording medium; and recording a manufacturer identification information of a recording apparatus indicating the manufacturer f the recording apparatus which last modified the content of the recording medium" as recited in independent claim 15.

In response, the examiner respectfully disagrees. As discussed in claim 11 above, Ohno et al does indeed disclose the claimed "modifying the content of the recording medium; and recording a manufacturer identification information of a recording apparatus indicating the manufacturer f the recording apparatus which last modified the content of the recording medium" in col. 6, lines 5-30.

In re page 5, applicants state that the arguments presented above supporting the patentability of independent claim 1 are incorporated herein to support the patentability of independent claims 31 and 41.

In response, as discussed in claim 1 above, Ohno et al does indeed disclose the claimed "an identification code of a manufacturer of a recording apparatus that last modified the content of the recording medium".

In re pages 6-7, applicants state that, with respect to claim 28, as previously discussed and distinguished over Ohno, accordingly, the arguments presented above supporting the patentability of independent claims 13 and 15 are incorporated herein to support the patentability of claim 28.

In response, as discussed in claims 13 and 15 above, Ohno et al does indeed disclose all features of claim 28.

In re page 7, applicants state that, with respect to claim 31, as previously discussed and distinguished over Ohno, accordingly, the arguments presented above supporting the patentability of independent claims 11 and 13 are incorporated herein to support the patentability of claim 31.

In response, as discussed in claims 11 and 13 above, Ohno et al does indeed disclose all features of claim 31.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 11-12 and 15-23, as set forth in paragraph #2 of the last Office Action, are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 15-17, 20-21, 23, 25 and 27 of copending Application No. 09/337,253. Although the conflicting claims are not identical, they are not patentably distinct from each other because

Regarding claim 11 of this application, claim 1 of copending Application No. 09/337,253 recites a data storage medium to store content, comprising formatted information for the content and manufacturer information to support a manufacturer's specific function, wherein the manufacturer information comprises an identification information of a manufacturer of a recording apparatus that last recorded or modified the content of the recording medium. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the recording method of claim 11 of this application to record the information on the recording medium of claim 1 of copending Application No. 09/337,253.

Regarding claim 12 of this application, claim 3 of copending Application No. 09/337,253 recites the claimed recording a product identification code of the recording apparatus of the manufacturer that last modified the content of the recording medium by performing recording/editing on the recording medium.

Regarding claim 15 of this application, claim 1 of copending Application No. 09/337,253 recites a rewritable recording medium to store content, comprising formatted information for the content and manufacturer information to support a manufacturer's specific function, wherein the manufacturer information comprises an identification information of a manufacturer of a recording apparatus that last modified the content of the recording medium. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the recording/reproducing method of claim 15 of this application to record the information on the recording medium of claim 1 of copending Application No. 09/337,253.

Regarding claim 16 of this application, claim 15 of copending Application No. 09/337,253 recites the claimed recording a product information code indicating a product model of the recording apparatus that last modified the content of the recording medium.

Regarding claim 17 of this application, claim 16 of copending Application No. 09/337,253 recites the claimed recording an operation code indicating information on an operation performed by the recording apparatus other than reproduction of the content of the recording medium.

Regarding claim 18 of this application, claim 17 of copending Application No. 09/337,253 recites the claimed wherein the operation code information is compatible for a plurality for a plurality of different manufacturers.

Regarding claim 19 of this application, claim 20 of copending Application No. 09/337,253 recites the claimed recording a manufacturer information item specific to the manufacturer of the recording apparatus, and a manufacturer code to indicate the manufacturer of the manufacturer information item.

Regarding claim 20 of this application, claim 21 of copending Application No. 09/337,253 recites the claimed recording a manufacturer information item specific to the manufacturer, a manufacturer code to indicate the manufacturer of the recording apparatus of the manufacturer information item, and a product code to indicate a product model of the recording apparatus of the manufacturer information item.

Regarding claim 21 of this application, claim 23 of copending Application No. 09/337,253 recites the claimed recording time information indicating a time when the manufacturer information item is recorded on the recording medium.

Regarding claim 22 of this application, claim 25 of copending Application No. 09/337,253 recites the claimed recording the manufacturer code and the product code at a beginning part of the manufacturer information item.

Regarding claim 23 of this application, claim 27 of copending Application No. 09/337,253 recites the claimed recording a search pointer indicating a starting address of the manufacturer information item.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

4. Claims 13-14 and 24-38, as set forth in paragraph #3 of the last Office Action, are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 15-17, 20-21, 23, 25 and 27 of copending Application No. 09/337,253 in view of Ohno et al ('366).

Regarding claim 13 of this application, claim 1 of copending Application No. 09/337,253 discloses all the features of the instant invention except for providing verifying a coincidence of an identification code of a manufacturer of a device which last modified the content of the recording medium and a manufacturer identification code of the recording/reproducing apparatus to determine whether manufacturer specific information of the recording/reproducing apparatus is effective.

Ohno et al teach a magnetic recording/reproducing apparatus having means for verifying a coincidence of an identification code of a manufacturer of a device which last modified the content of the recording medium and the manufacturer identification code of the recording/reproducing apparatus to determine whether manufacturer specific information of the recording/reproducing apparatus is effective (column 6, lines 18-31).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capabilities of searching of programs recorded on a magnetic tape, indexing of heading portion of the programs and displaying of teletext or closed caption and the like as taught by Ohno et al into claim 1 of copending Application No. 09/337,253 in order to facilitate the managing the information recorded in the recording medium without essentially incurring additional manufacturing cost of the apparatus.

Regarding claim 14 of this application, Ohno et al also discloses the claimed verifying the coincidence of an identification code of a product that last modified the content of the recording medium and a product identification code of the recording/reproducing apparatus to determine whether the manufacturer specific information of the recording/reproducing apparatus is effective (column 6, lines 18-31).

Regarding claim 24 of this application, Ohno et al discloses the claimed updating a number of total manufacturer information items recorded on the recording medium (column 3, line 37 to column 4, line 28).

Regarding claim 25 of this application, Ohno et al discloses the claimed determining whether the number of total manufacturer information items exceeds a

predetermined limit, and if so, deleting an oldest manufacturer information item stored on the recording medium (column 3, line 37 to column 4, line 28).

Regarding claim 26 of this application, Ohno et al discloses the claimed recording a last address of manufacturer information which includes the manufacturer identification code and the product information code (column 4, lines 42-65).

Regarding claim 27 of this application, Ohno et al discloses the claimed recording a last address of manufacturer information which includes the manufacturer identification information, the product information code, and the operation code (column 4, lines 42-65).

Claim 28 of this application is rejected for the same reasons as discussed in claims 13 of this application above.

Regarding claim 29 of this application, Ohno et al discloses the claimed reading the content of the recording medium to determine whether the content is effective if the determination is that the read manufacturer identification information does not match that of the recording and reproducing apparatus, and reproducing the content read if the content read is determined to be effective (column 4, lines 42-65).

Regarding claim 30 of this application, Ohno et al discloses the claimed updating only manufacturer information item specific to the manufacturer of the recording and reproducing apparatus, and not updating other manufacturer information items recorded on the recording medium (column 3, line 37 to column 4, line 28).

Claim 31 of this application is rejected for the same reasons as discussed in claim 13 of this application above.

Regarding claim 32 of this application, Ohno et al discloses the claimed wherein the recording medium has a product information code indicating a product model of the apparatus that last modified the content of the recording medium on the recording medium (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the product model (column 6, lines 18-31) and determining whether to read the content based upon the read product model (column 6, lines 18-31).

Regarding claim 33 of this application, Ohno et al discloses the claimed wherein the recording medium has an operation code indicating on an operation performed by the recording apparatus that last modified the content of the recording medium (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the operation code (column 6, lines 18-31) and determining how to modify the content based upon the read operation code (column 6, lines 18-31).

Regarding claim 34 of this application, Ohno et al discloses the claimed wherein the recording medium has a manufacturer information item specific to the manufacturer, and a manufacturer code to indicate the manufacturer of the manufacturer information item (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the manufacturer code (column 6, lines 18-31) and determining whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus (column 6, lines 18-31).

Regarding claim 35, Ohno et al discloses the claimed wherein the recording medium has a manufacturer information item specific to the manufacture, a manufacturer code to indicate the manufacturer of the recording apparatus of the

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manufacturer information item, and a product code to indicate a product model of the recording apparatus of the manufacturer information item (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the manufacturer code and the product code (column 6, lines 18-31) and determining whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus and the product code matches a code relating to the product model of the reproducing apparatus (column 6, lines 18-31).

Regarding claim 36 of this application, Ohno et al discloses the claimed wherein the recording medium has time information indicating a time when the manufacturer information item is recorded on the recording medium (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the time information and processing the read time information (column 5, lines 20-31 and column 6, lines 18-31).

Regarding claim 37 of this application, Ohno et al discloses the claimed wherein the recording medium has a search pointer indicating a starting address of the manufacturer information item (column 4, lines 42-65), the reproduction method further comprising reading the search pointer and then reading the manufacturer information item at the start address thereof (column 6, lines 18-31).

Regarding claim 38, Ohno et al discloses determining whether the read manufacturer identification code matches a code of a current reproducing apparatus relating to a manufacturer of the reproducing apparatus (column 6, lines 18-31); reading the content for reproduction if there is a match for reproduction of the content (column 6, lines 18-31); reading the content if there is not the match for analyzing the content

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(column 6, lines 18-31); and reproducing the content if there is the match or if the analysis indicates the content is reproducible by a current reproducing (column 6, lines 18-31).

This is a provisional obviousness-type double patenting rejection.

5. Claims 11-38, as set forth in paragraph #4 of the last Office Action, are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4-5, 7, 16-31 and 33-39 of copending Application No. 09/610,380. Although the conflicting claims are not identical, they are not patentably distinct from each other because

Regarding claim 11 of this application, claim 4 of copending Application No. 09/610,696 recites a recording apparatus for recording and/or editing content, including audio, video, and/or information data, on a data storage medium, comprising a recording controller to produce content and formatted information for the content and manufacturer information to support a manufacturer's specific function, wherein the manufacturer information comprises an identification information of the manufacturer of a recording apparatus that last recorded or modified the content of the recording medium. It would have been obvious to one of ordinary skill in the art at the time of the invention to recognize that the recording apparatus of claim 4 of the copending Application No. 09/610,380 to record the information on the recording medium can be performed by the method of claim 11 of this application.

Regarding claim 12 of this application, claim 5 of copending Application No. 09/610,380 recites the claimed recording a product identification code of the recording

apparatus of the manufacturer that last modified the content of the recording medium by performing recording/editing on the recording medium.

Regarding claim 13 of this application, claim 28 of copending Application No. 09/610,380 recites a recording and reproducing apparatus to record and reproduce content on a recording medium, comprising a recorder to record on the recording medium a manufacturer identification code of the recording and reproducing apparatus indicating a manufacturer of the recording and reproducing apparatus as the last one to modify the content of the recording medium and a reproducer to read the manufacturer identification information, determine whether the content is effective based upon whether the read manufacturer identification information matches that of the recording and reproducing apparatus, and read the content if the content is effective. It would have been obvious to one of ordinary skill in the art at the time of the invention to recognized that the recording apparatus of claim 28 of the copending Application No. 09/610,380 to record the information on the recording medium can be performed by the method of claim 13 of this application.

.regarding claim 14 of this application, claim 29 of copending Application No. 09/610,380 recites verifying the coincidence of an identification code of a product that last modified the content of the recording medium and a product identification code of the recording/reproducing apparatus to determine whether the manufacturer specific information of the recording/reproducing apparatus is effective.

Regarding claim 15 of this application, claim 7 of copending Application No. 09/610,380 recites a recording apparatus to record content on a recording medium,

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comprising a device to record a manufacturer identification information of the recording apparatus on the recording medium in response to the recording apparatus modifying the content. It would have been obvious to one of ordinary skill in the art at the time of the invention to recognized that the recording apparatus of claim 7 of copending Application No. 09/610,380 can be created by the method of claim 15 of this application.

Regarding claim 16 of this application, claim 16 of copending Application No. 09/610,380 recites the claimed recording a product information code indicating a product model of the recording apparatus that last modified the content of the recording medium.

Regarding claim 17 of this application, claim 17 of copending Application No. 09/610,380 recites the claimed recording an operation code indicating information on an operation performed by the recording apparatus other than reproduction of the content of the recording medium.

Regarding claim 18 of this application, claim 18 of copending Application No. 09/610,380 recites the claimed wherein the operation code information is compatible for a plurality of different manufacturers.

Regarding claim 19 of this application, claim 19 of copending Application No. 09/610,380 recites the claimed recording a manufacturer information item specific to the manufacturer of the recording apparatus, and a manufacturer code to indicate the manufacturer of the manufacturer information item.

Regarding claim 20 of this application, claim 20 of copending Application No. 09/610,380 recites the claimed recording a manufacturer information item specific to the

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manufacturer, a manufacturer code to indicate the manufacturer of the recording apparatus of the manufacturer information item, and a product code to indicate a product model of the recording apparatus of the manufacturer information item.

Regarding claim 21 of this application, claim 21 of copending Application No. 09/610,380 recites the claimed recording time information indicating a time when the manufacturer information item is recorded on the recording medium.

Regarding claim 22 of this application, claim 22 of copending Application No. 09/610,380 recites the claimed recording the manufacturer code and the product code at a beginning part of the manufacturer information item.

Regarding claim 23 of this application, claim 23 of copending Application No. 09/610,380 recites the claimed recording a search pointer indicating a starting address of the manufacturing information item.

Regarding claim 24 of this application, claim 24 of copending Application No. 09/610,380 recites the claimed updating a number of total manufacturer information items recorded on the recording medium.

Regarding claim 25 of this application, claim 25 of copending Application No. 09/610,380 recites the claimed determining whether the number of total manufacturer information items exceeds a predetermined limit, and if so, deleting an oldest manufacturer information item stored on the recording medium.

Regarding claim 26 of this application, claim 26 of copending Application No. 09/610,380 recites the claimed recording a last address of manufacturer information which includes the manufacturer identification code and the product information code.

Regarding claim 27 of this application, claim 27 of copending Application No. 09/610,380 recites the claimed recording a last address of manufacturer information which includes the manufacturer identification information, the product information code, and the operation code.

Regarding claim 28 of this application, claim 28 of copending Application No. 09/610,380 recites the corresponding apparatus and it would have been obvious to one of ordinary skill in the art at the time of the invention to recognize that the apparatus of claim 28 of copending Application No. 09/610,380 can be performed by the method of claim 28 of this application.

Regarding claim 29 of this application, claim 29 of copending Application No. 09/610,380 recites the claimed reading the content of the recording medium to determine whether the content is effective if the determination is that the read manufacturer identification information does not match that of the recording and reproducing apparatus, and reproducing the content read if the content read is determined to be effective.

Regarding claim 30 of this application, claim 30 of copending Application No. 09/610,380 recites the claimed updating only manufacturer information item specific to the manufacturer of the recording and reproducing apparatus, and not updating other manufacturer information items recorded on the recording medium.

Regarding claim 31 of this application, claim 31 of copending Application No. 09/610,380 recites the corresponding apparatus and it would have been obvious to one of ordinary skill in the art at the time of the invention to recognize that the apparatus of

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claim 31 of copending Application No. 09/610,380 can be performed by the method of claim 31 of this application.

Regarding claim 32 of this application, claim 33 of copending Application No. 09/610,380 recites the claimed wherein the recording medium has a product information code indicating a product model of the apparatus that last modified the content of the recording medium on the recording medium, the reproduction method further comprising reading the product model and determining whether to read the content based upon the read product model.

Regarding claim 33 of this application, claim 34 of copending Application No. 09/610,380 recites the claimed wherein the recording medium has an operation code indicating on an operation performed by the recording apparatus that last modified the content of the recording medium, the reproduction method further comprising reading the operation code and determining how to modify the content based upon the read operation code.

Regarding claim 34 of this application, claim 35 of copending Application No. 09/610,380 recites the claimed wherein the recording medium has a manufacturer information item specific to the manufacturer, and a manufacturer code to indicate the manufacturer of the manufacturer information item, the reproduction method further comprising reading the manufacturer code and determining whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus.

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Regarding claim 35 of this application, claim 36 of copending Application No. 09/610,380 recites the claimed wherein the recording medium has a manufacturer information item specific to the manufacture, a manufacturer code to indicate the manufacturer of the recording apparatus of the manufacturer information item, and a product code to indicate a product model of the recording apparatus of the manufacturer information item, the reproduction method further comprising reading the manufacturer code and the product code and determining whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus and the product code matches a code relating to the product model of the reproducing apparatus.

Regarding claim 36 of this application, claim 37 of copending Application No. 09/610,380 recites the claimed wherein the recording medium has time information indicating a time when the manufacturer information item is recorded on the recording medium, the reproduction method further comprising reading the time information and processing the read time information.

Regarding claim 37 of this application, claim 38 of copending Application No. 09/610,380 recites the claimed wherein the recording medium has a search pointer indicating a starting address of the manufacturer information item, the reproduction method further comprising reading the search pointer and then reading the manufacturer information item at the start address thereof.

Regarding claim 38 of this application, claim 39 of copending Application No. 09/610,380 recites determining whether the read manufacturer identification code

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matches a code of a current reproducing apparatus relating to a manufacturer of the reproducing apparatus; reading the content for reproduction if there is a match for reproduction of the content; reading the content if there is not the match for analyzing the content; and reproducing the content if there is the match or if the analysis indicates the content is reproducible by a current reproducing.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 11-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohno et al (366) as set forth in paragraph #6 above.

Regarding claim 11, Ohno et al discloses a magnetic recording/reproducing apparatus having means for recording an identification information of a manufacturer of

a recording apparatus that last recorded or modified the content of the recording medium (column 3, line 56 to column 4, line 7).

Regarding claim 12, Ohno et al discloses the claimed recording a product identification code of the recording apparatus of the manufacturer that last modified the content of the recording medium by performing recording/editing on the recording medium (column 3, line 56 to column 4, line 7).

Regarding claim 13, Ohno et al discloses an apparatus for recording/reproducing content, including audio, video, and/or information data, on a rewritable recording medium with a recording/reproducing apparatus using manufacturer information recorded on the recording medium, comprising means for verifying a coincidence of an identification code of a manufacturer which last modified the content of the recording medium and a manufacturer identification code of the recording/reproducing apparatus to determine whether a manufacturer specific information of the recording/reproducing apparatus is effective (column 6, lines 18-31).

Regarding claim 14, Ohno et al discloses means verifying the coincidence of an identification code of a product that last modified the content of the recording medium and a product identification code of the recording/reproducing apparatus to determine whether the manufacturer specific information of the recording/reproducing apparatus is effective (column 6, lines 18-31).

Regarding claim 15, Ohno et al discloses a recording method of recording content on a rewritable recording medium (Fig. 1), comprising modifying the content on the recording medium (column 3, line 37 to column 4, line 28) and recording a

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manufacturer identification information of a recording apparatus indicating a manufacturer of the recording apparatus which last modified the content of the recording medium (column 3, line 37 to column 4, line 28).

Regarding claim 16, Ohno et al discloses the claimed wherein the device records a product information code indicating a product model of the recording apparatus that last modified the content of the recording medium (column 3, line 56 to column 4, line 7).

Regarding claim 17, Ohno et al discloses the claimed wherein the device records an operation code indicating information on an operation performed by the recording apparatus other than reproduction of the content of the recording medium (column 3, line 37 to column 4, line 28).

Regarding claim 18, Ohno et al discloses the claimed wherein the operation code information is compatible for a plurality of different manufacturers (column 3, line 37 to column 4, line 28).

Regarding claim 19, Ohno et al discloses the claimed wherein the device records a manufacturer information item specific to the manufacturer, and a manufacturer code to indicate the manufacturer of the manufacturer information item (column 3, line 37 to column 4, line 28).

Regarding claim 20, Ohno et al discloses the claimed wherein the device records a manufacturer information item specific to the manufacturer, a manufacturer code to indicate the manufacturer of the recording apparatus of the manufacturer information

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item, and a product code to indicate a product model of the recording apparatus of the manufacturer information item (column 3, line 37 to column 4, line 28).

Regarding claim 21, Ohno et al discloses the claimed wherein the device records time information indicating a time when the manufacturer information item is recorded on the recording medium (column 3, lines 18-25 and column 5, lines 20-31).

Regarding claim 22, Ohno et al discloses the claimed wherein the device records the manufacturer code and the product code at a beginning part of the manufacturer information item (column 3, line 37 to column 4, line 28).

Regarding claim 23, Ohno et al discloses the claimed wherein the device records a search pointer indicating a starting address of the manufacturer information item (column 4, lines 42-65).

Regarding claim 24, Ohno et al discloses the claimed wherein the device updates a number of total manufacturer information items recorded on the recording medium (column 3, line 37 to column 4, line 28).

Regarding claim 25, Ohno et al discloses the claimed wherein the recording apparatus determines whether the number of total manufacturer information items exceeds a predetermined limit, and if so, deletes an oldest manufacturer information item stored on the recording medium (column 3, line 37 to column 4, line 65).

Regarding claim 26, Ohno et al discloses the claimed wherein the device records a last address of manufacturer information which includes the manufacturer identification code and the product information code (column 4, lines 42-65).

Regarding claim 27, Ohno et al discloses the claimed wherein the device records a last address of manufacturer information which includes the manufacturer identification information, the product information code, and the operation code (column 4, lines 42-65).

Regarding claim 28, Ohno et al discloses a recording and reproducing apparatus (Fig. 1) to record and reproduce content on a recording medium, comprising a recorder (column 3, line 37 to column 4, line 28) to record on the recording medium a manufacturer identification code of the recording and reproducing apparatus indicating a manufacturer of the recording and reproducing apparatus as the last one to modify the content of the recording medium and a reproducer (column 6, lines 18-30) to read a manufacturer identification information, determine whether the content is effective based upon whether the read manufacturer identification information matches that of the recording and reproducing apparatus, and read the content if the content is effective.

Regarding claim 29, Ohno et al discloses wherein if the reproducer determines that the read manufacturer identification information does not match that of the recording and reproducing apparatus, the reproducer reads the content of the recording medium to determine whether the content is effective (column 6, lines 18-30).

Regarding claim 30, Ohno et al discloses the claimed wherein the manufacturer information further comprises a manufacturer information item specific for the manufacturer of the recording apparatus, wherein the recorder updates only the

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manufacturer information item and does not update other manufacturer information items recorded on the recording medium (column 3, line 37 to column 4, line 65).

Regarding claim 31, Ohno et al discloses a reproduction method of reproducing content from a recording medium on which a manufacturer identification code (Fig. 1), the reproduction method comprising reading the manufacturer identification code of a manufacturer of an apparatus that last modified the content of the recording medium (column 6, lines 18-31) and determining whether to read the content based upon the read manufacturer identification code (column 6, lines 18-31).

Regarding claim 32, Ohno et al discloses the claimed wherein the recording medium has a product information code indicating a product model of the apparatus that last modified the content of the recording medium on the recording medium, reading the product mode, and the reproducer determines whether to read the content based upon the read product model (column 3, line 37 to column 4, line 28 and column 6, lines 18-30).

Regarding claim 33, Ohno et al discloses wherein the recording medium has an operation code indicating information on an operation performed by the recording apparatus that last modified the content of the recording medium, reading the operation code and the reproducer determines how to modify the content based upon the read operation code (column 3, line 37 to column 4, line 28 and column 6, lines 18-30).

Regarding claim 34, Ohno et al discloses the claimed wherein the recording medium has a manufacturer information item specific to the manufacturer, and a manufacturer code to indicate the manufacturer of the manufacturer information item,

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reading the manufacturer code and the reproducer determines whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus (column 3, line 37 to column 4, line 28 and column 6, lines 18-30).

Regarding claim 35, Ohno et al discloses wherein the recording medium has a manufacturer information item specific to the manufacturer, a manufacturer code to indicate the manufacturer of the recording apparatus of the manufacturer information item, and a product code to indicate a product model of the recording apparatus of the manufacturer information item, reading the manufacturer code and the product code, and the reproducer determines whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus and the product code matches a code relating to the product model of the reproducing apparatus (column 3, line 37 to column 4, line 28 and column 6, lines 18-30).

Regarding claim 36, Ohno et al discloses the claimed wherein the recording medium has time information indicating a time when the manufacturer information item is recorded on the recording medium, reading the time information and the reproducer processes the read time information (column 3, line 37 to column 4, line 28 and column 6, lines 18-30).

Regarding claim 37, Ohno et al discloses the claimed wherein the recording medium has a search pointer indicating a starting address of the manufacturer information item, reading the search pointer and then reads the manufacturer

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information item at the starting address thereof (column 3, line 37 to column 4, line 28 and column 6, lines 18-30).

Regarding claim 38, Ohno et al discloses the claimed wherein the reproducer determines whether the read manufacturer identification code matches a code of a current reproducing apparatus relating to a manufacturer of the current reproducing apparatus, reading the content if there is a match for reproducing apparatus, reading the content if there is not match for analyzing the content, and reproducing the content if there is the match or if the analysis indicates the content is reproducible by the current reproducing apparatus (column 3, line 37 to column 4, line 28 and column 6, lines 18-30).

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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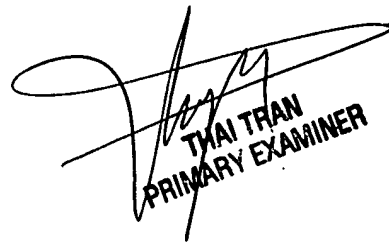
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725.

The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

TTQ
September 13, 2002



THAI TRAN
PRIMARY EXAMINER